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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR SKAMANIA COUNTY

DENNIS WIEBE and JUDITH WIEBE, husband and wife, doing business as COLUMBIA HARDWARE AND SUPPLY,	)	NO. 84-2-00005-0
Plaintiffs,	)	WRIT OF EXECUTION ON REAL PROPERTY
vs.	)	
MARGARET HENDRICKSON,	)	
Defendant.	)	

THE STATE OF WASHINGTON to the Sheriff of Skamania County, Greeting:

WHEREAS, Plaintiffs, Dennis Wiebe and Judith Wiebe, husband and wife, doing business as Columbia Harware and Supply, recovered Judgment against Defendant, Margaret Hendrickson, in the District Court of Skamania County, State of Washington, on the 23rd day of March, 1984, for the sum of $1,850 with interest at the rate of 12 percent per annum from March 23, 1984, cost of suit, taxed at $22.50 and an attorney's fee of $25.00, with interest on attorney's fees and costs at the rate of 12 percent per annum from March 23, 1984.

BE IT FURTHER STATED that as a result of garnishment by Plaintiffs, said judgment was reduced to $1,374.56 including interest at 12% per annum figured from March 23, 1984 until June 6, 1984.

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ATTORNEYS AT LAW
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BE IT FURTHER STATED that Defendant, Margaret Hendrickson has paid $150.00 toward said judgment further reducing said judgment to $1,224.56.

BE IT FURTHER STATED that interest of 12% per annum on said $1,224.56 from June 7, 1984 until October 31, 1984 is $58.78.

THEREFORE, in the name of the State of Washington, you are hereby commanded forthwith to levy upon, seize and take into execution, the real property of the said Margaret Hendrickson, not exempt by law, in your County, sufficient to execution and to satisfy said judgment, interest and increased interest, costs and increased costs, and make sale thereof according to law; and make return of writ within sixty days from the date hereof. Attached hereto are two copies of the legal description of said real property.

Herein fail not, and have you then and there this writ.

WITNESS, the Hon. /S/ TED KOLBABA
Judge of the Superior Court, and the seal of the said court this ____ day of _____, 1984.

_____, Clerk

By _____ Deputy Clerk
Execution Docket Vol. ___ Page ____

JAN C. KIELPINSKI, P.C.

TIMOTHY L. WAKENSHAW of
Attorneys for Plaintiffs

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County of SKAMANIA, State of Washington, to-wit:

The west half of that certain tract of land in the Felix G Imam DLC described as being in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 2, Township 2 North, Range 7 E.W.M, conveyed to Frank B Morrison by deed dated December 27, 1910 and recorded January 5, 1911 at page 36 of Book N of Deeds- Records of Skamania County Washington, the tract hereby described being boung non the east by a line drawn south from the center to the north line of the tract conveyed to said Frank B Morrison; except the north 500 feet thereof; and except a tract conveyed to LT Coffman by deed dated November 10, 1925, and recorded November 14, 1925 at page 449 of Book U of Deeds; and except a tract conveyed to Irene White by deed dated April 3, 1947, and recorded May 13, 1947at page 365 fo Book 31 of Deeds; and except that portion therof lying southerly of the Red Bluff Road conveyed to Roy O Ray by deed dated November 30, 1958 and recorded January 5, 1959 at page 382 of Book 45 of Deeds, Records of Skamania County Washington.

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AS REQUIRED BY RCW 6.04.100 COPIES OF THE FOLLOWING STATUTES (RCWs) ARE HEREBY SERVED UPON THE JUDGMENT DEBTOR

6.12.010 Homestead, what constitutes. The homestead consists of the dwelling house or the mobile home in which the owner resides, with appurtenant buildings, and the land on which the same are situated, or land without improvements purchased with the intention of building a house and residing thereon. A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner. As used in this chapter, the term "owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract. [1981 c 392 § 7; 1945 c 196 § 1; 1931 c 88 § 1; 1927 c 193 § 1; 1895 c 64 § 1; Rem. Supp. 1945 § 528]

6.12.050 Value of homestead limited — Must be used as home. Homesteads may consist of lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of twenty thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the owner, and shall not be devoted exclusively to any other purpose. [1981 c 32 § 10; 1977 ex.s. c 98 § 3; 1971 ex.s. c 12 § 1; 1955 c 29 § 1; 1945 c 196 § 3; 1895 c 64 § 24; Rem. Supp. 1945 § 552]

[Sic]. 6.12.060* Applicability-Abandonment-Declaration of Homestead Form. (1) The homestead exemption described in RCW 6.12.050 applies automatically to the homestead as defined in RCW 6.12.010 if the occupancy requirement of RCW 6.12.050 is met. However, the homestead exemption does not apply to those judgments defined in RCW 6.12.100.

(2) If an owner elects to select the homestead from unimproved land purchased with the intention of residing thereon, the owner must execute a declaration of homestead and file the same for record. However, if the owner also owns another parcel or property on which the owner presently resides, the owner must also execute a declaration of abandonment of homestead on the property on which the owner presently resides, and file the same for record.

(3) The declaration of homestead must contain:

(a) A statement that the person making it is residing on the premises or has purchased the same for a homestead and intends to reside thereon and claims them as a homestead;

(b) A description of the premises; and

(c) An estimate of their actual cash value.

(4) The declaration of homestead and declaration of abandonment of homestead must be acknowledged in the same manner as a grant of real property is acknowledged. [1981 c 329 § 9] *6.12.060 was Repealed by 1981 c 329 § 22(3), but above section was added covering same and other subject matters.

6.16.020 Exempt property specified. The following personal property shall be exempt from execution and attachment, except as hereinafter specially provided:

(1) All wearing apparel of every person and family, but not to exceed five hundred dollars in value in furs, jewelry, and personal ornaments for any person.

(2) All private libraries not to exceed five hundred dollars in value, and all family pictures and keepsakes.

(3) To each person or family, (a) the person's or family's household goods, appliances, furniture and home and yard equipment, not to exceed one thousand dollars in value;

(b) provisions and fuel for the comfortable maintenance of such person or family for three months; and

(c) other property not to exceed four hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(4) To any person or family, one motor vehicle which is used for personal transportation, not to exceed seven hundred and fifty dollars in value.

(5) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed one thousand five hundred dollars in value.

(6) To a physician, surgeon, attorney, clergyman, or other professional person, the person's library, office furniture, office equipment and supplies not to exceed one thousand five hundred dollars in value.

(7) To any other person, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed one thousand five hundred dollars in value.

The property referred to in the foregoing subsection (3) shall be selected by any adult member of the family on behalf of the family or person if present, and in case no adult member of the family or person is present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).

For purposes of this section, "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.

Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extend as allowed under the statutes relating to garnishments.

No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property. [1979 1st ex.s. c 65 § 1; 1973 1st ex.s. c 154 § 13; 1965 c 89 § 1; 1886 p 96 § 1; Code 1881 § 347; 1879 p 157 § 1; 1877 p 73 § 351; 1869 p 87 § 343; 1854 p 178 § 253; RRS § 563.]

6.16.090 Claim of exemption and proceedings thereon. As used in this section the masculine shall apply also to the feminine.

When a debtor claims personal property as exempt he shall deliver to the officer making the levy an itemized list of all the personal property owned or claimed by him, including money, bonds, bills, notes, claims and demands, with the residence of the person indebted upon the said bonds, bills, notes, claims and demands, and shall verify such list by affidavit. He shall also deliver to such officer a list by separate items of the property he claims as exempt. If the creditor, his agent or attorney demand an appraisement thereof, two disinterested householders of the neighborhood shall be chosen, one by the debtor and the other by the creditor, his agent or attorney, and these two, if they cannot agree, shall select a third; but if either party fail to choose an appraiser, or the two fail to act, the officer shall appoint one. The appraisers shall forthwith proceed to make a list by separate items, of the personal property selected by the debtor as exempt, which they shall decide as exempt, stating the value of each article, and annexing to the list their affidavit to the following effect: "We solemnly swear that to the best of our judgment the above is a fair cash valuation of the property therein described," which affidavit shall be signed by two appraisers at least, and be certified by the officer administering the oaths. The list shall be delivered to the officer holding the execution or other process and be by him annexed to and made part of his return and the property therein specified shall be exempt from levy and sale, and the other personal estate of the debtor shall remain subject thereto. In case no appraisement be required the officer shall return with the process the list of the property claimed as exempt by the debtor. The appraisers shall each be entitled to one dollar, to be paid by the creditor, if all the property claimed by the debtor shall be exempt; otherwise to be paid by the debtor. [1973 1st ex.s. c 154 § 15; Code 1881 § 349; 1877 p 74 § 353; 1869 p 88 § 346; RRS § 572.]